

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASSANDRA GREENE and ELIZABETH GOFF,
individually and on behalf of all other persons
similarly situated who were employed by C.B.
HOLDING CORP. d/b/a CHARLIE BROWN'S
STEAKHOUSE; CHARLIE BROWN'S
ACQUISITION CORP.; CHARLIE BROWN'S OF
COMMACK, LLC; CHARLIE BROWN'S OF
HOLTSVILLE, LLC; and/or any other entities
affiliated with or controlled by C.B. HOLDING
CORP. d/b/a CHARLIE BROWN'S
STEAKHOUSE; CHARLIE BROWN'S
ACQUISITION CORP.; CHARLIE BROWN'S OF
COMMACK, LLC; CHARLIE BROWN'S OF
HOLTSVILLE, LLC,

Plaintiffs,

- against -

C.B. HOLDING CORP. d/b/a CHARLIE
BROWN'S STEAKHOUSE; CHARLIE BROWN'S
ACQUISITION CORP.; CHARLIE BROWN'S OF
COMMACK, LLC; CHARLIE BROWN'S OF
HOLTSVILLE, LLC; and/or any other entities
affiliated with or controlled by C.B. HOLDING
CORP. d/b/a CHARLIE BROWN'S
STEAKHOUSE; CHARLIE BROWN'S
ACQUISITION CORP.; CHARLIE BROWN'S OF
COMMACK, LLC; CHARLIE BROWN'S OF
HOLTSVILLE, LLC; and SAMUEL BORGESE,

Defendants.

Docket No.: 10 cv 1094 (JBW)(CLP)

**DECLARATION OF RUTH
HANDLER**

Ruth Handler, a putative plaintiff in this action, hereby affirms under penalty of perjury
that:

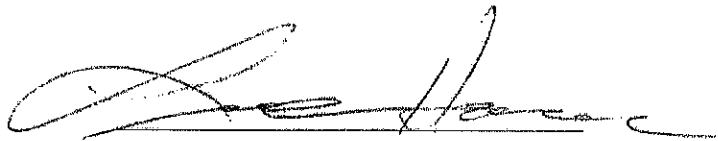
1. I reaffirm the statements I made in the Affidavit dated June 14, 2010.
2. I was paid by Charlie Brown's Restaurant and worked for their restaurants in Commack,
New York, Holtsville, New York, Garden City, New York, and Lynbrook, New York.
3. I worked for Charlie Brown's as both a server and as a manager.

4. During my employment, Steven Valentine, a former Vice President of Operations of Charlie Brown's, directed Regional Managers, General Managers, and managers to retain the tips of employees to be used to create a slush fund for restaurant expenses and to buy liquor.
5. During my employment Steven Valentine also directed Regional Managers, General Managers, and managers to reduce the number of overtime hours already worked by employees by either cutting hours in the time recording system for servers, bartenders, hostesses, busboys, and other positions, or by having managers clock in and out on behalf of employees who worked in the kitchen and who did not speak English and/or did not know how to use the computer system.
6. When managers clocked in and out for kitchen workers, the time records would show breaks and occasionally, a limited number of overtime hours. Kitchen workers did not receive these breaks, and worked significantly more hours than was reflected in the time records.
7. I know that Steven Valentine directed Regional Managers, General Managers, and managers to commit these wage and hour violations because we often had regional meetings where he would tell us to do all these things as a group, in order to make our stores more profitable. Steven Valentine also often came to individual stores and told managers to do these things.
8. Some of the Regional Managers, General Managers, and managers who took tips from employees for personal and/or restaurant purposes, and who reduced the number of hours already worked by employees, were Kevin Murray, Brian Jakes, Eric Prestel, John Dunleavy, and Jeffey. I know they did these things because they all talked openly about

to take doing these things during our region meetings. I also witnessed them doing these things at the Commack, Holtsville, Garden City, and Lynbrook, New York locations. Many of these individuals did these things because they were under pressure from their superiors at Charlie Brown's and feared losing their jobs.

9. During my training to become a manager, I became friends with Brian, who was a manager at the Buckhorn, PA and Redding, PA restaurant locations. He told me that at his stores, he was told by upper management to take employees' tips to use to create a slush fund and to pay liquor expenses. He also told me that he was told by upper management to reduce employees' hours if they worked more than 40 hours in a week. I know that he actually did these things because he told me so.
10. Based on my personal experiences and information I heard from many other Charlie Brown's corporate managers and employees, Charlie Brown's had a companywide policy the tips of employees to use for restaurant expenses, and to not pay employees overtime pay for all the hours over 40 that they worked.
11. I sincerely hope that this Court grants Plaintiffs' motion to send a notice to other Charlie Brown employees who were all similarly underpaid.

Dated: New York, NY
July 20, 2010

A handwritten signature in black ink, appearing to read 'Ruth Handler', written over a horizontal line.

Ruth Handler